

#2217706  
10/8/10

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

Julian Cobb,

Plaintiff,

v.

Midland Credit Management, Inc.,

Defendant.

Case No.:

2:10CV401

2 10 CV 401

**COMPLAINT FOR DAMAGES  
UNDER THE FAIR DEBT COLLECTION  
PRACTICES ACT AND OTHER  
EQUITABLE RELIEF**

**JURY DEMAND ENDORSED HEREIN**

**JURISDICTION AND VENUE**

1. Jurisdiction is founded on 28 U.S.C. §1331 pursuant to the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. §1692. Venue is proper because a substantial part of the events giving rise to this claim occurred in this judicial district.

**FACTS COMMON TO ALL COUNTS**

2. Sometime prior to January 20, 2010, Plaintiff incurred a debt to SBC – Ameritech, which is a “debt” as defined by 15 U.S.C. §1692a(5).
3. Plaintiff is a “consumer” as defined by 15 U.S.C. §1692a(3).
4. On January 20, 2010, Plaintiff filed a voluntary petition for a Chapter 7 bankruptcy.
5. On May 3, 2010, Plaintiff’s debts were discharged in bankruptcy.
6. Defendant is a “debt collector” as defined by 15 U.S.C. §1692a(6).
7. Throughout August 2010, Defendant telephoned Plaintiff on numerous occasions in connection with the collection of the debt.

8. During several of these communications, Plaintiff informed Defendant that Plaintiff had filed bankruptcy, provided Defendant with his bankruptcy case number, and asked that Defendant no longer contact him regarding the debt, which had been discharged in bankruptcy.
9. During several of these communications, Defendant responded to Plaintiff's notice by directly asking Plaintiff how he intended to pay the debt, as if Plaintiff had so nothing whatsoever about his bankruptcy.
10. Defendant repeatedly ignored these notices and continued to telephone Plaintiff in connection with the collection of the debt on several occasions thereafter, each time claiming that it had never received any notification of Plaintiff's bankruptcy.
11. Defendant violated the FDCPA.

#### **COUNT ONE**

##### **Violation of the Fair Debt Collection Practices Act**

12. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
13. Defendant violated 15 U.S.C. §1692c(a)(2) by communicating with Plaintiff in connection with the collection of a debt despite having knowledge that Plaintiff was represented by an attorney with respect to such debt.

#### **COUNT TWO**

##### **Violation of the Fair Debt Collection Practices Act**

14. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
15. Defendant violated 15 U.S.C. §1692f by using unfair or unconscionable means to collect the debt.

#### **JURY DEMAND**

16. Plaintiff demands a trial by jury.

**PRAYER FOR RELIEF**

17. Plaintiff prays for the following relief:

- a. Judgment against Defendant for actual damages, statutory damages, and costs and reasonable attorney's fees pursuant to 15 U.S.C. §1692k.
- b. For such other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Macey & Aleman, P.C.

By: 

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Timothy J. Sostrin  
233 S. Wacker  
Sears Tower, Suite 5150  
Chicago, IL 60606  
Telephone: 866-339-1156  
Email: tjs@legalhelpers.com  
Attorneys for Plaintiff